

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KRISTINA LYSIKOV, an individual,

Plaintiff,

v.

SHRINERS HOSPITALS FOR CHILDREN, a corporation,

Defendant.

No. 3:23-cv-00280-AR

OPINION AND ORDER

BAGGIO, District Judge:

On 9/20/2024, Magistrate Judge Jeffrey Armistead issued his Findings and Recommendation (“F&R”, ECF 15), recommending the Court to GRANT IN PART and DENY IN PART Defendant’s Motion to Dismiss (ECF 8). No objections were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. §§ 636(b)(1)(B), C. If a party objects, the court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however, required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v.*

Arn, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

Upon review, I agree with Judge Armistead's recommendation, and I ADOPT the F&R (ECF 15) in full. Accordingly, Defendant's Motion to Dismiss (ECF 8) is GRANTED IN PART and DENIED IN PART. Plaintiff's claims are DISMISSED without prejudice and with leave to amend.

IT IS SO ORDERED.

DATED this 3rd day of December, 2024.

Amy M. Baggio
AMY M. BAGGIO
United States District Judge